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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/273,948	03/22/1999	S. JAMALODDIN GOLESTANI	2	7777

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EXAMINER

LY, ANH VU H

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 11/06/2002

7

Please find below and/or attached an Office communication concerning this application or proceeding.

11

Office Action Summary

Application No.

09/273,948

Applicant(s)

GOLESTANI, S. JAMALODDIN

Examiner

Anh-Vu H Ly

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-12 is/are allowed.
- 6) ☒ Claim(s) 13, 14, 21 and 24 is/are rejected.
- 7) ☒ Claim(s) 15-20, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed on August 12, 2002. Claims 1 and 3-24 are pending.

Specification

2. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Objections

3. Claims 5 and 12 are objected to because of the following informalities:
With respect to claim 5, line 2, presently read as "updated **widow** size".
With respect to claim 12, the sentence ended with double period (..).
Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 20 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 20, the limitation recited on line 7 "the transmission window" lacks antecedent basis.

With respect to claim 24, the limitation recited on line 3 "the next generated sequence number" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 13-14, 21 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hurst et al. (US Patent 6,151,633). Hereinafter, referred to as Hurst.

With respect to claim 13, Hurst discloses in Figure 8, a computer system or a head 800, which includes network 820 for interacting with other computer systems (first apparatus that receives a data packet from a source of data packets), processor 802 and storage 804 for processing and accumulating related transmissions of data packets (accumulates particular information relating to the transmission of data packets to the receiver).

Hurst discloses (see Abstract) that the sender receives a congestion status associated with a receiver of the head. This implies that a mechanism (second apparatus) resided in receiver generates a congestion status corresponding to the accumulated transmission information (generates and forwards a transmission control value as a function of the accumulated information to the source).

Hurst discloses (col. 2, line 26-41) that the sender in response to the network congestion feedback information from one or more of the receivers, the sender can reduce its data rate to accommodate slow receivers (the source may control its transmission of data messages to the receiver as a function of the transmission control value received from the receiver and transmission control values received from other such receivers).

With respect to claim 14, Hurst discloses in Figure 1, receiver 154 is one of a plurality of receivers in a multicast network (data receiver is one of plurality of receivers that form a multicast group within the data network).

With respect to claim 21, Hurst discloses (col. 6, lines 15-32 and Figure 1) that when a sender 102, in response to receiving the congestion report event (a receiver uses a rate based scheme to determine the congestion control value), reduces its data rate for the entire multicast in order to accommodate a receiver (the source applies the minimum of the congestion control values it receives from receivers as a rate of transmission of new data packets).

With respect to claim 24, Hurst discloses (col. 6, lines 48-60) that a packet sequence number (sequence number generator) is used to keep track of each packet (inserts next generated sequence number in a data packet).

Further, Hurst discloses in Figure 9, a processor 902 (a controller), which is programmed to perform and implement the operations by a sender.

The limitations, regulate transmission of data packet based on a congestion control value determined using either a rate base or window based scheme, and transmit data packet in accordance with the congestion control value to a group of receivers forming a multicast group of receivers, in which the congestion control value is selected from a group of congestion control values received from individual ones of the receivers, are addressed in the rejection of claims 13 and 21.

Allowable Subject Matter

6. Claims 15-20, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 1 and 3-12 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 1 and 3-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 703-306-5675. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

av
November 4, 2002


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600